



Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number	
		Q64273	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	09/830,605	April 30, 2001	
	First Named Inventor		
	Akira ICHIKAWA		
	Art Unit	Examiner	
	1771	Victor S. CHANG	
WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER			
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal			
The review is requested for the reasons(s) stated on the attached sheet(s).			
Note: No more than five (5) pages may be provided.			
<input checked="" type="checkbox"/> I am an attorney or agent of record.			
Registration number		26,577	
		 Signature	
		Joseph J. Ruch, Jr. Typed or printed name	
		(202) 293-7060 Telephone number	
		January 16, 2007 Date	



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q64273

Akira ICHIKAWA, et al.

Appln. No.: 09/830,605

Group Art Unit: 1771

Confirmation No.: 9350

Examiner: Victor S. CHANG

Filed: April 30, 2001

For: ADHESIVE LABEL

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated August 15, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the timely filing of a Notice of Appeal with a Petition for Extension of Time.

Applicant turns now to the rejections at issue: Claims 1, 2 and 4-14 are all the claims pending in the application.

Claims 1, 2, and 4 - 14 are all the claims pending in the application. The sole rejection of the claims is under 35 U.S.C. § 103(a), based on Tanimura et al. (U.S. Pat. No. 6,065,701) in view of Applicants alleged "admission". Applicant respectfully traverses the rejection, and for the reasons set forth below, including with respect to the showing of the Declaration Under 37 C.F.R. § 1.132 by Mr. Masatera Yamakage, it is respectfully requested that the rejection now be withdrawn.

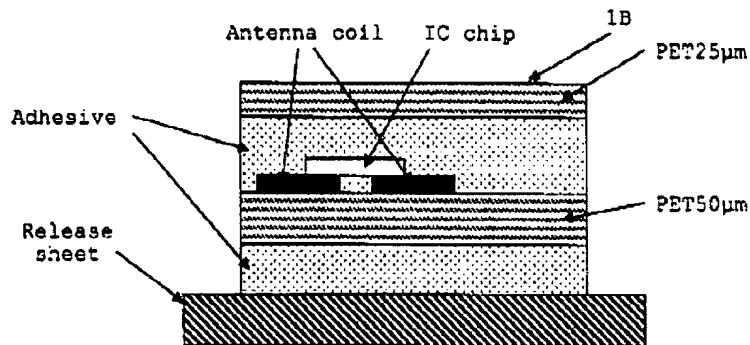
In this regard, the presently claimed invention differs from and is superior to the cited Tanimura reference upon which the prior art rejections are based.

Below, Applicants address in more detail the relationship of the testing reported in the Declaration Under 37 C.F.R. § 1.132 by Mr. Yamakage with respect to the closest prior art.

Relationship to the closest prior art

As shown in "Fig. B (Comparative Experiments A - C)" on page 4 of Mr. Yamakage's Declaration,

Fig. B (Comparative Experiments A-C)



the PET circuit substrate (thickness = 50 µm) of each of the three adhesive labels prepared in the Comparative Experiments A to C carries the contactless data carrier element on the surface opposite to the surface carrying the adhesive layer which comes in direct contact with a surface of an article when the adhesive label is applied to the article. That is, in the three adhesive labels prepared in the Comparative Experiments A to C, the contactless data carrier element is carried on the surface on the side of the outermost surface 1B for printing, with respect to the PET circuit substrate.

In a contactless data carrier element, a portion containing an IC chip is thicker than other portions, and thus, the contactless data carrier element has an irregular or uneven thickness structure. To obtain good printability in an adhesive label containing a contactless data carrier element, an irregular or uneven structure on an outermost surface for printing must be minimized.

As shown in "Table 1" (reproduced below for the Panel's convenience) on page 5 of Mr. Yamakage's Declaration, when the printability on the outermost surface 1B was evaluated in the Comparative Experiments A to C, the best printability was obtained in the Comparative Experiment C, wherein the acrylic pressure sensitive adhesive layer which covered the contactless data carrier element and was provided between the PET circuit substrate and the surface PET layer (thickness - 25  $\mu\text{m}$ ) for printing had the largest thickness. This is because the thickness between the PET circuit substrate and the surface PET layer must be increased to reduce any influence of irregular or uneven structure of the contactless data carrier element carried on the surface on the side of the outermost surface 1B for printing, with respect to the PET circuit substrate.

Table 1

	Printability	Thickness [ $\mu\text{m}$ ]		
		Adhesive layer containing element	Portion containing IC chip	Portion without IC chip
Experiment A	B	26	335	179
Comparative Experiment A	C	46	373	222
Comparative Experiment B	C	124	441	293
Comparative Experiment C	A	228	494	406

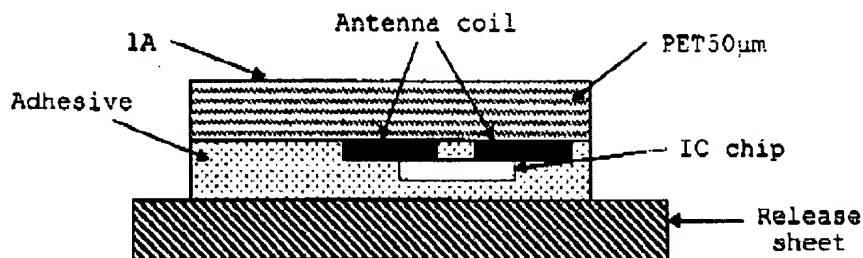
Mr. Yamakage's Declaration was presented to show that, when the contactless data carrier element is carried on the surface on the side of the outermost surface for printing with respect to the PET circuit substrate, as in the closest prior art (the Tanimura reference), it is necessary to increase the thickness between the circuit substrate and the surface layer, whereby any influence of irregular or uneven structure of the contactless data carrier element is reduced, and consequently the entire thickness of an adhesive label is increased.

As shown in Fig. 2 of the Tanimura reference (the closest prior art), the polyimide substrate 16 carries the IC chip 20 and the antenna wiring 30 on the surface opposite to the surface carrying the adhesive layer 17 which comes into direct contact with a surface of a

cassette. That is, in the embodiment shown in Fig. 2 of the Tanimura reference, the contactless data carrier element is carried on the surface on the side of the outermost coated layer 12 for printing, with respect to the polyimide substrate 16. Therefore, it is apparent from the results shown in the Comparative Experiments A, B, and C of Mr. Yamakage's Declaration that the thickness between the polyimide substrate 16 and the coated layer 12 must be increased in the embodiment shown in Fig. 2 of the Tanimura reference, and consequently the entire thickness of the embodiment shown in Fig. 2 of the Tanimura reference is increased.

On the contrary, as shown in "Fig. A (Experiment A)" on page 3 of Mr. Yamakage's Declaration,

Fig. A (Experiment A)



the PET circuit substrate (thickness = 50  $\mu\text{m}$ ) of the adhesive label prepared in the Experiment A according to the present invention carries the contactless data carrier element on the surface carrying the adhesive layer which comes in direct contact with the surface of an article when the adhesive label is applied to the article. That is, in the adhesive label prepared in the Experiment A according to the present invention, the contactless data carrier element is carried on the surface opposite to the side of the outermost surface 1A for printing, with respect to the PET circuit substrate.

As shown in "Table 1" (see above) of Mr. Yamakage's Declaration, printability sufficient from a practical standpoint can be obtained in the adhesive label prepared in the Experiment A wherein the entire thickness is thinnest.

Furthermore, the advantageous effects of the adhesive label according to the present invention are described at page 14 of the present specification.

Conclusion

Applicant respectfully submits that the Declaration evidence clearly shows the unexpectedly remarkable effects obtainable by the present invention over the closest prior art, viz., the Tanimura reference. Accordingly, allowance of the application based on the existing claims or at least reopening of prosecution on the merits is respectfully requested.

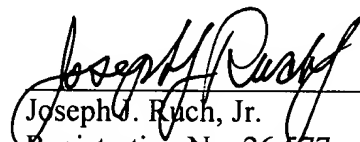
Respectfully submitted,

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